

HOUSE BILL 2889
By Crider

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 6, relative to child custody and visitation.

WHEREAS, the courts of Tennessee and of the United States have consistently recognized the fundamental right of a parent to raise a child as that parent sees fit, within limitations intended to protect the child from harm; and

WHEREAS, in raising a child as a parent sees fit, that parent has a genuine interest in promoting the development of relationships between the child and the other people who are important in the life of the parent, including the child's grandparents and stepparent, if any; and

WHEREAS, a non-custodial parent should not be prevented from promoting the development of those relationships where the non-custodial parent is unable to fully exercise his or her court-ordered parental visitation rights due to work, active duty military service, or other pressing needs; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-6-301, is amended by designating the current language as subsection (a) and by inserting the following as a new subsection (b) thereto:

(b) If the court has awarded visitation rights to a non-custodial parent pursuant to subsection (a) and the requirements of this chapter, then that parent may substitute a person or persons of the non-custodial parent's choosing, including, but not limited to, the child's grandparents or stepparent, to fulfill the non-custodial parent's visitation rights in the event of the non-custodial parent's inability to fulfill those rights for any reason, including, but not limited to, temporary absence due to active duty military service or work obligations. It shall not be necessary for a grandparent or stepparent to petition the

court for grandparent visitation or stepparent visitation pursuant to the requirements of this part if the non-custodial parent consents to the substitution of the grandparent or stepparent to fulfill the non-custodial parent's court ordered visitation rights. If a non-custodial parent exercises the right to substitute visitation pursuant to this section, the total visitation time ordered by the court is not increased, but must be shared by the non-custodial parent and the substitute. The court may deny visitation between the child and the person chosen by the non-custodial parent as a substitute for visitation only if the court determines that such visitation presents a danger of substantial harm to the child.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.